



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,865	01/26/2001	Thomas R. Lemmons	UV/001 C2	7787

1473 7590 08/22/2007
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/770,865

Applicant(s)

LEMMONS ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4-9, 15, 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record has changed.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/29/2007 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 5/29/2007. Claims **2, 4-9, 15, 17-22** are pending. Claims **2, 15** are amended. Claims **1, 3, 10-14, 16, 23-27** are canceled.

Response to Arguments

1. Applicant's arguments regarding claims **2** and **15**, filed 5/29/2007, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

Art Unit: 2623

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **2, 4-9, 15, 17-22** are rejected under 35 U.S.C. 102(e) as being anticipated by

Rauch et al.

Referring to claims **2** and **15**, Rauch et al. discloses a method/system for navigating in a program guide, comprising:

- presenting the program guide to a user, the program guide comprising a time bar divided into a plurality of horizontally arranged time cells, a channel bar divided into a plurality of vertically arranged channel cells, and a program grid having a plurality of cells arranged in rows and columns, each of the cells being associated with one of the channel cells and at least one of the time cells (col. 5, l. 47-67 & Fig. 2), wherein:
 - o at least one of the cells in the program grid corresponds to a navigation cell (day selector 220, time scroll bar 224, channel scroll bar 226, topics button 254) selectable by the user, the navigation cell being associated with a designated group of channel cells or time cells, the designated group of channel cells or time cells corresponding to a navigation point (day selector, time scroll bar, channel scroll bar, and topics button vary the displayed content according to day, time, channel, and topic, respectively)(col. 6, l. 58-

Art Unit: 2623

60; col. 7, l. 18-21; col. 9, l. 63-67; col. 10, l. 1-3; col. 11, l. 53-67; col. 12, l. 1-51; & Figs. 4, 7), and

- a remainder of the cells 212 in the program grid corresponds to program information cells (col. 5, l. 52-56);
- receiving a user selection of the navigation cell and navigating the program guide to the navigation point in response to the user selection of the navigation cell such that the program information associated with the designated group of channel cells or time cells is displayed in the program information cells (col. 6, l. 58-67; col. 7, l. 1-23; col. 9, l. 63-67; col. 10, l. 1-3; col. 11, l. 53-67; col. 12, l. 1-51; Figs. 2-4, 7).

Referring to claims 4 and 17, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising repositioning a cursor from a program information cell within the program grid to the navigation cell (col. 4, l. 41-45; col. 6, l. 58-60; col. 7, l. 18-23; & col. 9, l. 62-64).

Referring to claims 5 and 18, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising scrolling the program information cells while keeping the navigation cell substantially fixed in response to user input (col. 6, l. 2-9, 58-67; col. 7, l. 1-23, 68-65; col. 8, l. 3-20; & Fig. 2).

Referring to claims 6 and 19, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising presenting an icon in the navigation cell (directional day selector buttons, directional time and channel scroll bar buttons, and activated and deactivated topics button)(col. 6, l. 60-63; col. 8, l. 16; & Fig. 2).

Referring to claims 7 and 20, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the at least one navigation point corresponds to programs that are currently being broadcast (a user scrolls to programs currently being broadcast through the day selector and time scroll bar)(col. 3, l. 16-19; col. 5, l. 52-57; col. 6, l. 58-60; col. 7, l. 18-21, 38-43).

Referring to claims 8 and 21, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the at least one navigation point corresponds to programs that are broadcast on premium channels (the examiner notes that the channel entries are arranged from top to bottom according to a frequency with which the channel entries have been designated by the user. The user can scroll to the top of the grid to display the channels of highest value to the user)(col. 6, l. 13-51 & col. 7, l. 18-21).

Referring to claims 9 and 22, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the at least one navigation point corresponds to programs that are broadcast during a primetime time period (A user can scroll the time scroll bar so that times 6:00 PM - 7:30 PM are displayed. The examiner interprets a primetime time period as including 7:00 PM as indicated in Applicant's specification (p. 24, lines 26-28))(col. 7, l. 4-9 & Fig. 2).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Macrae et al. discloses a system and method for controlling the broadcast and recording of television programs and for distributing information to be displayed on a television screen.

Art Unit: 2623


Eick et al. discloses program category selection with filtered data and displayed cascaded cards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600